

# Exhibit 5

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5 IN THE UNITED STATES DISTRICT COURT  
6  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8

9 ORACLE AMERICA, INC.,  
10 Plaintiff,

No. C 10-03561 WHA

11 v.

**ORDER TO SUPPLEMENT**

12 GOOGLE INC.,  
13 Defendant.  
14 \_\_\_\_\_/

15 The August 7 order was not limited to authors “paid . . . to report or comment” or to  
16 “quid pro quo” situations. Rather, the order was designed to bring to light authors whose  
17 statements about the issues in the case might have been influenced by the receipt of money from  
18 Google or Oracle. For example, Oracle has disclosed that it retained a blogger as a consultant.  
19 Even though the payment was for consulting work, the payment might have influenced the  
20 blogger’s reports on issues in the civil action. Just as a treatise on the law may influence the  
21 courts, public commentary that purports to be independent may have an influence on the courts  
22 and/or their staff if only in subtle ways. If a treatise author or blogger is paid by a litigant,  
23 should not that relationship be known?

24 In the Court’s view, Google has failed to comply with the August 7 order. Google is  
25 directed to do so by **FRIDAY, AUGUST 24 AT NOON** with the following clarifications. Payments  
26 do not include advertising revenue received by commenters. Nor does it include experts  
27 disclosed under Rule 26. Google suggests that it has paid so many commenters that it will be  
28

1 impossible to list them all. Please simply do your best but the impossible is not required. Oracle  
2 managed to do it. Google can do it too by listing all commenters known by Google to have  
3 received payments as consultants, contractors, vendors, or employees. As for organizations  
4 receiving money, they need not be listed unless one of its employees was a commenter. Gifts to  
5 universities can be ignored. Again, Google need only disclose those commenters that can be  
6 identified after a reasonably diligent search. Oracle must supplement its list if this order clarifies  
7 any issue for Oracle.

8  
9 **IT IS SO ORDERED.**

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11 Dated: August 20, 2012.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE